

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

METABOLIC RESEARCH, INC.,

Plaintiff,

Case No. 2:09-cv-02453-JCM-PAL

VS.

ORDER

SCOTT J. FARRELL, et al.,

(Mtn to Withdraw - Dkt. #63)

Defendants.

This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #63) filed September 18, 2012. Beverly Salhanick seeks to withdraw as counsel of record for Plaintiff Metabolic Research, Inc. The Motion represents that Plaintiff has not responded to counsel’s communications since mid-June 2011. Counsel also asserts that it appears Plaintiff no longer exists—its Nevada corporate status was revoked, the last SEC filing Plaintiff made was in September 2010, and Plaintiff’s website appears to be abandoned and the domain name for sale. Counsel contends that requiring it to continue representing Plaintiff would be an unreasonable financial burden. Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.”

Plaintiff filed its complaint in state court, and Defendants filed a Petition for Removal (Dkt. #1) on December 30, 2009. Defendants filed a Motion for Judgment on the Pleadings (Dkt. #58). Counsel for the parties filed a Stipulation (Dkt #61) to extend time for Plaintiff to file an opposition to the motion until fifteen days after entry of an order regarding this Motion to Withdraw which the district judge approved.

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1 Having reviewed and considered the matter,

2 1. The Motion to Withdraw as Counsel of Record (Dkt. #63) is GRANTED.

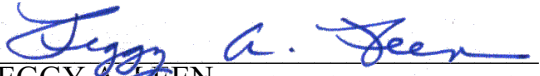
3 2. A corporation cannot appear except through counsel. *U.S. v. High Country*
4 *Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *Rowland v. California Men's*
5 *Colony*, 506 U.S. 194, 201-02 (1993). Therefore, Plaintiff shall have until **October 8,**
6 **2012**, in which to retain new counsel who shall file a notice of appearance in accordance
7 with the Local Rules of Practice.

8 3. Failure to comply with this order may result in a recommendation to the District Judge
9 for sanctions, including case-dispositive sanctions.

10 4. The Clerk of Court shall serve a copy of this Order on Plaintiff at:

11 Metabolic Research, Inc.
12 5603 Bayshore Blvd.
Tampa, FL 33611

13 Dated this 26th day of September, 2012.

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15 PEGGY A. LEEN
16 UNITED STATES MAGISTRATE JUDGE
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